
By: **Delegates McComas, Amedori, Bates, Boutin, Carter, Cryor, Glassman,
Impallaria, Lee, Menes, O'Donnell, Quinter, Stocksdale, V. Turner, and
Weldon**

Introduced and read first time: February 6, 2003
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Visual Surveillance - Tanning Room**

3 FOR the purpose of expanding to a certain kind of room the prohibition against
4 visually observing, with prurient interest, an individual without the consent of
5 that individual; and generally relating to visual surveillance of an individual in
6 a private place without the consent of that individual.

7 BY repealing and reenacting, with amendments,
8 Article - Criminal Law
9 Section 3-902
10 Annotated Code of Maryland
11 (2002 Volume)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Criminal Law**

15 3-902.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) "Camera" includes any electronic device that can be used
18 surreptitiously to observe an individual.

19 (3) "Private place" means a TANNING ROOM, dressing room, bedroom, or
20 rest room in:

21 (i) an office, business, or store;

22 (ii) a recreational facility;

23 (iii) a restaurant or tavern;

- 1 (iv) a hotel, motel, or other lodging facility;
- 2 (v) a theater or sports arena;
- 3 (vi) a school or other educational institution;
- 4 (vii) a bank or other financial institution;
- 5 (viii) any part of a day care home used for the care and custody of a
6 child; or
- 7 (ix) another place of public use or accommodation.

8 (4) (i) "Visual surveillance" means the deliberate, surreptitious
9 observation of an individual by any means.

10 (ii) "Visual surveillance" includes surveillance by:

- 11 1. direct sight;
- 12 2. the use of mirrors; or
- 13 3. the use of cameras.

14 (iii) "Visual surveillance" does not include a casual, momentary, or
15 unintentional observation of an individual.

16 (b) This section does not apply to a person who without prurient intent:

- 17 (1) conducts filming by or for the print or broadcast media;
- 18 (2) conducts or procures another to conduct visual surveillance of an
19 individual to protect property or public safety or prevent crime; or
- 20 (3) conducts visual surveillance and:

21 (i) holds a license issued under Title 13 or Title 19 of the Business
22 Occupations and Professions Article; and

23 (ii) is acting within the scope of the person's occupation.

24 (c) A person may not with prurient intent conduct or procure another to
25 conduct visual surveillance of an individual in a private place without the consent of
26 that individual.

27 (d) A person who violates this section is guilty of a misdemeanor and on
28 conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding
29 \$1,000 or both.

1 (e) (1) An individual who was under visual surveillance in violation of this
2 section has a civil cause of action against any person who conducted or procured
3 another to conduct the visual surveillance.

4 (2) In an action under this subsection, the court may award actual
5 damages and reasonable attorney's fees.

6 (f) This section does not affect any legal or equitable right or remedy
7 otherwise provided by law.

8 (g) This section does not affect the application of § 3-901 of this subtitle.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2003.